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Security Council

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Resolution 2317 (2016)

Adopted by the Security Council at its 7807th meeting, on 10 November 2016

The Security Council,

Recalling all its previous resolutions and statements of its President on the situation in Somalia and Eritrea, in particular resolutions 733 (1992), 1844 (2008), 1907 (2009), 2036 (2012), 2023 (2011), 2093 (2013), 2111 (2013), 2124 (2013), 2125 (2013), 2142 (2014), 2182 (2014), and 2244 (2015),

Taking note of the final reports of the Somalia and Eritrea Monitoring Group (the SEMG) on Somalia (S/2016/919) and Eritrea (S/2016/920) and their conclusions on the situations in both Somalia and Eritrea,

Reaffirming its respect for the sovereignty, territorial integrity, political independence and unity of Somalia, Djibouti and Eritrea respectively,

Condemning any flows of weapons and ammunition supplies to and through Somalia in violation of the arms embargo on Somalia and to Eritrea in violation of the arms embargo on Eritrea, as a serious threat to peace and stability in the region,

Expressing concern that Al-Shabaab continues to pose a serious threat to the peace and stability of Somalia and the region,

Welcoming the further improved relationship between the Federal Government of Somalia (FGS), regional administrations, and the SEMG, and *underlining* the importance of these relationships improving further and strengthening in the future,

Welcoming the efforts of the FGS to improve its notifications to the Committee pursuant to resolutions 751 (1992) and 1907 (2009) concerning Somalia and Eritrea ("the Committee"), *looking forward* to further progress in the future, particularly in relation to post-delivery notifications, and *recalling* that improved arms and ammunition management in Somalia is a fundamental component of greater peace and stability for the region,

Taking note of the preliminary efforts of the FGS to restore key economic and financial institutions and progress achieved on financial governance and structural reforms; and *welcoming* the passing of anti-money-laundering legislation and the establishment of a Financial Reporting Centre,

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Underlining the importance of financial propriety in the run up to, and conduct of, elections in Somalia in 2016, and *stressing* the need for further efforts to fight corruption, promote transparency and increase mutual accountability in Somalia,

Expressing serious concern at reports of illegal, unreported and unregulated fishing in waters where Somalia has jurisdiction, *underlining* the importance of refraining from illegal, unreported and unregulated fishing, *welcoming* further reporting on the matter, and encouraging the FGS, with the support of the international community, to ensure that fishing licenses are issued in a responsible manner and in line with the appropriate Somali legal framework,

Expressing serious concern at the ongoing difficulties in delivering humanitarian aid in Somalia, and *condemning* in the strongest terms any party obstructing the delivery of humanitarian assistance, as well as the misappropriation or diversion of any humanitarian funds or supplies,

Recalling that the FGS has the primary responsibility to protect its population, and *recognizing* the FGS' responsibility, working with the regional administrations to build the capacity of its own national security forces, as a matter of priority,

Taking note of the two meetings and six letters between the representative of the Government of Eritrea and the SEMG, *expressing concern* that the SEMG has not been able to visit Eritrea since 2011 and fully discharge its mandate, and *underlining* that deepened cooperation will help the Security Council be better informed about Eritrea's compliance with the relevant Security Council resolutions,

Taking note that during the course of its current and two previous mandates the SEMG has not found any evidence that the Government of Eritrea is supporting Al-Shabaab,

Expressing concern over reports by the SEMG of ongoing Eritrean support for certain regional armed groups, and *encouraging* the SEMG to provide further detailed reporting and evidence on this issue,

Expressing serious concern at ongoing reports of Djiboutian combatants missing in action since the clashes in 2008, *urging* Eritrea to share any available detailed information pertaining to the combatants, including to the SEMG,

Welcoming the release of four prisoners of war by Eritrea in March 2016, *expressing* support for mediation efforts by the State of Qatar and *encouraging* further mediation efforts by the State of Qatar in order to reach a final and binding solution to resolve this issue as well as the border dispute between Djibouti and Eritrea,

Underlining the importance it attaches to all Member States complying with the terms of the arms embargo imposed on Eritrea by resolution 1907 (2009),

Determining that the situation in Somalia, as well as the dispute between Djibouti and Eritrea, continues to constitute a threat to international peace and security in the region,

Acting under Chapter VII of the Charter of the United Nations,

Arms embargo

1. *Reaffirms* the arms embargo on Somalia, imposed by paragraph 5 of resolution 733 (1992) and further elaborated upon in paragraphs 1 and 2 of resolution 1425 (2002) and modified by paragraphs 33 to 38 of resolution 2093 (2013) and paragraphs 4 to 17 of resolution 2111 (2013), paragraph 14 of resolution 2125 (2013), paragraph 2 of resolution 2142 (2014), and paragraphs 2 to 10 of resolution 2244 (2015) (hereafter referred to as "the arms embargo on Somalia");

2. *Decides* to renew the provisions set out in paragraph 2 of resolution 2142 (2014) until 15 November 2017, and in that context *reiterates* that the arms embargo on Somalia shall not apply to deliveries of weapons, ammunition or military equipment or the provision of advice, assistance or training, intended solely for the development of the Somali National Security Forces, to provide security for the Somali people, except in relation to deliveries of the items set out in the annex of resolution 2111 (2013);

3. *Reaffirms* that the entry into Somali ports for temporary visits of vessels carrying arms and related materiel for defensive purposes does not amount to a delivery of such items in violation of the arms embargo on Somalia, provided that such items remain at all times aboard such vessels;

4. *Reiterates* that weapons or military equipment sold or supplied solely for the development of the Somali National Security Forces may not be resold to, transferred to, or made available for use by, any individual or entity not in the service of the Somali National Security Forces, and *underlines* the responsibility of the FGS to ensure the safe and effective management, storage and security of their stockpiles;

5. *Welcomes* in this regard the commencement, by the FGS, of a more rigorous weapons registration, recording and marking procedure, *expresses concern* at reports of continued weapons diversion from within the FGS, *notes* that further improved weapons management is vital in order to prevent the diversion of weapons, *welcomes* the efforts of the FGS to develop detailed Standard Operating Procedures for weapons and ammunition management, and *urges* the FGS to finalize and implement these procedures as soon as possible;

6. *Further welcomes* the efforts of the FGS in establishing the Joint Verification Team (JVT) and *urges* Member States to support improved weapons and ammunition management to improve the capacity of the FGS to manage weapons and ammunition;

7. *Welcomes* the improvement in FGS reporting to the Security Council pursuant to paragraph 9 of resolution 2182 (2014) and as requested in paragraph 7 of resolution 2244 (2015), *calls on* the FGS and regional administrations to prioritize a sustainable and comprehensive agreement on the composition of the Somali Security Forces based on the National Security Policy and *requests* the FGS to report to the Security Council in accordance with paragraph 9 of resolution 2182 (2014) and as requested in paragraph 7 of resolution 2244 (2015) on the structure, composition, strength and disposition of its Security Forces, including the status of regional and militia forces by 30 March 2017 and then by 30 September 2017;

8. *Recalls* that the FGS has the primary responsibility to notify the Committee, pursuant to paragraphs 3 to 8 of resolution 2142 (2014), *welcomes* the efforts of the FGS in improving its notifications to the Committee;

9. *Calls upon* the FGS to improve the timeliness and content of notifications regarding the completion of deliveries, as set out in paragraph 6 of resolution 2142 (2014) and the destination unit upon distribution of imported arms and ammunition, as set out by paragraph 7 of resolution 2142 (2014);

10. *Stresses* Member States' obligations pursuant to the notification procedures set out in paragraph 11 (a) of resolution 2111 (2013), *underlines* the need for Member States to strictly follow the notification procedures for providing assistance to develop Somali security sector institutions, and *encourages* Member States to consider the Implementation Assistance Notice of 14 March 2016 as a guide;

11. *Recalls* paragraph 2 of resolution 2142 (2014) and notes that support for the development of the Somali National Security Forces may include, inter alia, building infrastructure and provision of salaries and stipends solely provided to the Somali National Security Forces;

12. *Urges* increased cooperation by Africa Union Mission in Somalia (AMISOM), as set out in paragraph 6 of resolution 2182 (2014), to document and register all military equipment captured as part of offensive operations or in the course of carrying out their mandates, involving other Somali National Security Forces as appropriate;

13. *Calls upon* the FGS and regional administrations to enhance civilian oversight of its Security Forces, to adopt and implement appropriate vetting procedures of all defence and security personnel, including human rights vetting, in particular through investigation and prosecuting individuals responsible for violations of international humanitarian law, and in this context *recalls* the importance of the Secretary-General's Human Rights and Due Diligence Policy in relation to the support provided by the United Nations to the Somali National Army;

14. *Underlines* the importance of timely and predictable payment of salaries to the Somali security forces and *calls on* the FGS to implement systems to improve the timeliness and accountability of payments and supply of provisions to the Somali security forces;

15. *Recalls* the need to build the capacities of the Somali National Security Forces, in particular the provision of equipment, training and mentoring, in order to build credible, professional security forces to enable the gradual handing over of security responsibilities from AMISOM to the Somali security forces, and *encourages* further donor support in this regard;

16. *Further reaffirms* the arms embargo on Eritrea imposed by paragraphs 5 and 6 of resolution 1907 (2009) (hereafter referred to as "the arms embargo on Eritrea");

Threats to peace and security

17. *Expresses concern* at the continued reports of corruption and diversion of public resources which pose a risk to State-building efforts, *expresses serious*

concern at reports of financial impropriety involving members of the FGS, regional administrations, Federal Member States and Federal Parliament, which pose a risk to State-building efforts, and in this context *underlines* that individuals engaged in acts which threaten the peace and reconciliation process in Somalia may be listed for targeted measures;

18. *Welcomes* the efforts which the FGS has made in order to improve its financial management procedures including continued engagement between the FGS and the International Monetary Fund (IMF), *encourages* the Somali authorities to maintain the pace of reform and continue the implementation of IMF-recommended reforms to support the continuation of a Staff Monitored Programme and increased transparency, accountability, comprehensiveness and predictability in revenue collection and budget allocations, and expresses concern at the generation and distribution of counterfeit Somali currency;

19. *Reaffirms* Somalia's sovereignty over its natural resources;

20. *Reiterates its serious concern* that the petroleum sector in Somalia could be a driver for increased conflict, and in that context underlines the vital importance of the FGS putting in place, without undue delay, resource-sharing arrangements and credible legal framework to ensure that the petroleum sector in Somalia does not become a source of increased tension;

21. *Expresses serious concern* at Al-Shabaab's increasing reliance on revenue from natural resources including the taxing of illicit sugar trade, agricultural production, and livestock and *looks forward* to further SEMG reporting on this issue;

Charcoal ban

22. *Reaffirms* the ban on the import and export of Somali charcoal, as set out in paragraph 22 of resolution 2036 (2012) ("the charcoal ban"), *welcomes* the decrease in exports of charcoal from Somalia and increased efforts of Member States to prevent the import of charcoal of Somali origin, *reiterates* that the Somali authorities shall take the necessary measures to prevent the export of charcoal from Somalia, and *urges* Member States to continue their efforts to ensure full implementation of the ban;

23. *Reiterates* its requests in paragraph 18 of resolution 2111 (2013), that AMISOM support and assist the Somali authorities in implementing the total ban on the export of charcoal from Somalia and *calls upon* AMISOM to facilitate regular access for the SEMG to charcoal exporting ports;

24. *Welcomes* the efforts of the Combined Maritime Forces (CMF) in their efforts to disrupt the export and import of charcoal to and from Somalia, and *further welcomes* the cooperation between the SEMG and CMF in keeping the Committee informed on the charcoal trade;

25. *Expresses concern* that the charcoal trade provides funding for Al-Shabaab, and in that context reiterates paragraphs 11 to 21 of resolution 2182 (2014), and *further decides* to renew the provisions set out in paragraph 15 of resolution 2182 (2014) until 15 November 2017;

26. *Encourages* the United Nations Office on Drugs and Crime to continue its work, within its current mandate, under the Indian Ocean Forum on Maritime Crime to bring together relevant Member States and international organizations to develop strategies to disrupt the trade in Somali charcoal;

Humanitarian access

27. *Expresses serious concern* at the acute humanitarian situation in Somalia, *condemns* in the strongest terms increased attacks against humanitarian actors and any misuse of donor assistance and the obstruction of the delivery of humanitarian aid, and *reiterates* its demand that all parties allow and facilitate full, safe and unhindered access for the timely delivery of aid to persons in need across Somalia and *encourages* the FGS to improve the regulatory environment for aid donors;

28. *Decides* that until 15 November 2017 and without prejudice to humanitarian assistance programmes conducted elsewhere, the measures imposed by paragraph 3 of resolution 1844 (2008) shall not apply to the payment of funds, other financial assets or economic resources necessary to ensure the timely delivery of urgently needed humanitarian assistance in Somalia, by the United Nations, its specialized agencies or programmes, humanitarian organizations having observer status with the United Nations General Assembly that provide humanitarian assistance, and their implementing partners including bilaterally or multilaterally funded non-governmental organizations participating in the United Nations Humanitarian Response Plan for Somalia;

29. *Requests* the Emergency Relief Coordinator to report to the Security Council by 15 October 2017 on the delivery of humanitarian assistance in Somalia and on any impediments to the delivery of humanitarian assistance in Somalia, and *requests* relevant United Nations agencies and humanitarian organizations having observer status with the United Nations General Assembly and their implementing partners that provide humanitarian assistance in Somalia to increase their cooperation and willingness to share information with the United Nations;

Eritrea

30. *Welcomes* the SEMG's ongoing and significant efforts to engage with the Government of Eritrea, in that context recalls the two meetings between the Representative of the Government of Eritrea and the SEMG, *reiterates* its expectation that the Government of Eritrea will facilitate the entry of the SEMG to Eritrea, to discharge fully its mandate, in line with its repeated requests, including in paragraph 52 of resolution 2182 (2014); and *underlines* that deepened cooperation will help the Security Council be better informed about Eritrea's compliance with the relevant Security Council resolutions;

31. *Urges* the Government of Eritrea to facilitate a visit of the SEMG to Eritrea, and thereafter to support regular visits to Eritrea by the SEMG;

32. *Calls on* Eritrea to cooperate fully with the SEMG, in accordance with the SEMG's mandate contained in paragraph 13 of resolution 2060 (2012) and updated in paragraph 41 of resolution 2093 (2013);

33. *Stresses* its demand that the Government of Eritrea allow access and make available any detailed information, including to the SEMG, pertaining to the

Djiboutian combatants missing in action since the clashes of 2008 so that those concerned may ascertain the presence and conditions of any remaining Djiboutian prisoners of war;

34. *Expresses* its intention to review measures on Eritrea in light of the upcoming midterm update by the SEMG due by 30 April 2017, and taking into account relevant Security Council resolutions;

Somalia

35. *Recalls* resolution 1844 (2008) which imposed targeted sanctions and resolutions 2002 (2011) and 2093 (2013) which expanded the listing criteria, and *notes* one of the listing criteria under resolution 1844 (2008) is engaging in acts that threaten the peace, security or stability of Somalia;

36. *Reiterates* its willingness to adopt targeted measures against individuals and entities on the basis of the above-mentioned criteria;

37. *Reiterates its request* for Member States to assist the SEMG in their investigations, *reiterates* that obstructing the investigations or work of the SEMG is a criterion for listing under paragraph 15 (e) of resolution 1907 (2009) and *further requests* the FGS, regional authorities and AMISOM to share information with the SEMG regarding Al-Shabaab activities;

38. *Decides* to extend until 15 December 2017 the mandate of the Somalia and Eritrea SEMG as set out in paragraph 13 of resolution 2060 (2012) and updated in paragraph 41 of resolution 2093 (2013), and *expresses* its intention to review the mandate and take appropriate action regarding the further extension no later than 15 November 2017;

39. *Requests* the Secretary-General to take the necessary administrative measures as expeditiously as possible to re-establish the SEMG, in consultation with the Committee, until 15 December 2017, drawing, as appropriate, on the expertise of the members of the SEMG established pursuant to previous resolutions, and *further requests* that administrative support to the SEMG be adjusted, within existing resources, to facilitate the delivery of their mandate;

40. *Requests* the SEMG to provide monthly updates to the Committee, and a comprehensive midterm update, as well as to submit, for the Security Council's consideration, through the Committee, two final reports; one focusing on Somalia, the other on Eritrea by 15 October 2017, covering all the tasks set out in paragraph 13 of resolution 2060 (2012) and updated in paragraph 41 of resolution 2093 (2013) and paragraph 15 of resolution 2182 (2014);

41. *Requests* the Committee, in accordance with its mandate and in consultation with the SEMG and other relevant United Nations entities to consider the recommendations contained in the reports of the SEMG and recommend to the Security Council ways to improve the implementation of and compliance with the Somalia and Eritrea arms embargoes, the measures regarding the import and export of charcoal from Somalia, as well as implementation of the measures imposed by paragraphs 1, 3 and 7 of resolutions 1844 (2008) and paragraphs 5, 6, 8, 10, 12 and 13 of resolution 1907 (2009) in response to continuing violations;

42. *Requests* the Committee to consider, where and when appropriate, visits to selected countries by the Chair and/or Committee members to enhance the full and effective implementation of the measures above, with a view to encouraging States to comply fully with this resolution;

43. *Decides* to remain seized of the matter.